

State of California
Business, Transportation and Housing Agency
Department of Transportation

HIGHWAY RIGHT OF WAY MATTERS
Resolutions of Necessity
Action Item

CTC Meeting: October 3, 2002

Prepared By:
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Division of Right of Way
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Reference No.: 2.4b.

Original Signed By:
ROBERT L. GARCIA
Chief Financial Officer
October 1, 2002

RESOLUTIONS OF NECESSITY

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

The Department of Transportation recommends the California Transportation Commission adopt Resolutions of Necessity C-18633 through C-18649. Discussions have taken place with all the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owner may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18633 - Joginder S. Bains, et ux

03-Sut-99-KP 39.63- Parcel 032651-1,2, EA: 1A46U9 - Certification Date: 04/01/02 (Conventional Highway) Amends Resolution No. C-18468 adopted April 3, 2002, which authorized condemnation of land in fee for a State highway and a temporary easement for highway construction. This amendment is made to include all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, located in Yuba City at 5375 Sawtelle Road.

C-18634 - Delta Investment

04-Sol-37-KP 13.6- Parcel 57198-1,2 - EA: OT1412 - Certification Date: 05-01-01 (Freeway)

Authorizes a permanent easement for freeway purposes, extinguishment of abutter's rights of access, an easement for a private nonexclusive roadway access and right of way maintenance easement to be conveyed to Vallejo Sanitation and Flood Control District, located in the city of Vallejo at 728 Marine World Parkway.

C-18635 - 2510 Channing Associates, LP

04-SCL-101-PM 40.57- Parcel 58893-1 - EA: 4874G2 - Certification Date: 01/01/03 (Freeway)

Authorizes condemnation of a permanent easement for utility purposes, located in the city of San Jose at 2514 Channing Ave.

C-18636 Union Pacific Railroad Company, et al

04-Sol-680-PM R1.6- Parcel 58894 - EA: 006082 - Certification Date: 10/31/02 (Freeway) Authorizes condemnation of a permanent easement for underground pipeline purposes, located in the city of Benicia near East of I-680 and Industrial Way.

C-18637- Hewitson Farms

06-Kin-41-KP 6.6- Parcel 84174 - E A: 321509 - Certification Date: 7/01/03 - (Conventional Highway)

Authorizes condemnation of a temporary easement for highway construction, located in Kings County, California on the west side of Highway 41, 2± miles north of York Avenue.

C-18638 - Avenal Land and Oil Company

06-Kin-41-KP 4.27/5.27- Parcel 84168-1A,1B,2,3 - EA: 321509 - Certification Date: 7/01/03

(Conventional Highway) Authorizes condemnation of land in fee for State highway, two permanent easement for drainage facilities, located in Kings County, California on the east side of State Route 41 near York Avenue.

C-18639 - Hewitson Farms

06-Kin-41-KP 5.26/6.14- Parcel 84167-1A,1B,2,3,4 - EA: 321509 - Certification Date: 7/01/03

(Conventional Highway) Authorizes condemnation of land in fee for a State highway, three permanent easements for drainage facilities, located in Kings County, California on the east side of State Route 41, south of State Route 33.

C-18640 - Avenal Land and Oil Company

06-Kin-41-KP 6.14/6.53- Parcel 84166-1,2 - EA: 321509 - Certification Date: 7/01/03 (Conventional

Highway) Authorizes condemnation of land in fee for a State highway, a permanent easement for drainage facilities, located in Kings County, California on the east side of State Route 41, south of State Route 33.

C-18641 - Avenal Land and Oil Company

06-Kin-41-KP 6.40/6.56- Parcel 84175 - EA: 321509 - Certification Date: 7/01/03 (Conventional

Highway) Authorizes condemnation of a temporary easement for highway construction, located in Kings County, California on the west side of State Route 41.

C-18642 - John Reed Munn, et al.

10-Ama-49-KP R7.750- Parcel 15280-1,2,3,4 - EA: 049939 - Certification Date: 12/01/02 (Expressway)
Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for sewer line construction, an easement for utility purposes to be conveyed to City of Sutter Creek, located near the City of Sutter Creek near Sutter-Ione Road.

C-18643 - Elgin R. Bowers, Jr. , et al.

10-Ama-49-KP R11.150- Parcel 14793 - EA: 049939 - Certification Date: 12/01/02 (Expressway)
Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located near the city of Sutter Creek near Tonzi Road.

C-18644 - Carol Maney et al.

10-Ama-49-KP R12.950- Parcel 14870 – EA: 049939 – Certification Date: 12/01/02 (Expressway)
Authorizes condemnation of a permanent easement for Right of Way, located in the city of Sutter Creek at S 1/2 of the NE 1/4 of Section 35, T 7 N, R 10 E, MDB&M.

C-18645 - Martha W. Nilson, Trustee

11-Imp-7-KP 6.9- Parcel 31434-1,2 - EA: 068002 - Certification Date: 05/03 (Conventional Highway)
Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access and all easements appurtenant to remaining land on and over King Road, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, a temporary easement for construction, located in the unincorporated area of Imperial County known as Holtville at Northwest corner of Orchard Road and King Road. (APN: 055-190-07)

C-18646 - Marie P. Muheim, Trustee

11-Imp-7-KP 8.8- Parcel 31324-1,2,3 - EA: 068009 - Certification Date: 05/03 (Expressway)
Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located in the unincorporated area of Imperial County know as Holtville at 1200 block of Orchard Road. (APN: 055-140-05, 055-140-02 & 055-320-09)

C-18647 - Marie P. Muheim, Trustee

11-Imp-7-KP 8.8- Parcel 31325-1,2,3,4,5,6,7,8 - EA: 068009 - Certification Date: 05/03 (Expressway)
Authorizes condemnation of a highway easement, extinguishment of abutter's rights of access, three temporary easements for highway construction, a permanent easement for utilities, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located in the unincorporated area of Imperial County known as Holtville at 1200 block of Orchard Road (055-520-10)

C-18648 - Luigi and Grace Race, Trustees

11-SD-52-PM 25.9- Parcel 32365-1,2 - EA: 010619 - Certification Date: 03/03 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, located in the city of Santee at 8730 Cuyamaca and 9745-9755 Airport Vista. (APN: 384-350-22).

C-18649 - Crockett & Company, Inc.

11-SD-125-KP 17.5- Parcel 32151-1,2 - EA: 003009 - Certification Date: 7/18/00 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction, located in the unincorporated area of San Diego County known as Bonita at 5540 Sweetwater Road, Bonita, CA. (APN: 590-052-36)